

REMARKS

Claims 1-26 are pending in the application.

Claims 1-26 have been rejected.

Claims 1 and 10-23 have been amended, as set forth herein.

Reconsideration of Claims 1-26, as amended, is respectfully requested.

I. **AMENDMENTS TO THE SPECIFICATION**

The specification was objected to because it contains embedded hyperlinks and/or other forms of browser-executable code. (March 17, 2009 Office Action, Page 2). Page 5 of the specification has been amended to remove the embedded hyperlinks in the text of the specification.

The specification has also been amended to correct certain typographical errors. The text that has been added to Page 2, Lines 3-15, of the specification to describe a prior art method is supported by the disclosure in Figure 1A. Therefore, no new matter has been added as a result of the amendment.

II. **REJECTIONS UNDER 35 U.S.C. § 102**

Claims 1-26 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application Publication No. 2003/0145091 A1 to Xiaohong Peng et al. ("Peng"). The rejections of Claims 1-26 are respectfully traversed for the reasons that are set forth below.

A cited prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single cited prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

The Examiner's attention is respectfully directed to the elements of Claim 1.

1. (Original) A method of operating a base station subsystem, comprising the steps of :
processing a call initiation request; and
contemporaneously, allocating resources within the base station subsystem needed to grant network access to a Mobile Station. (Underlining added).

Applicants respectfully submit that the Peng reference does not disclose the concept of contemporaneously allocating resources within a base station subsystem while a call initiation request is being processed. Therefore, the Peng reference does not anticipate the Applicants' claimed invention.

The Office Action states that "Peng discloses the system comprising the steps of processing a call initiation request; and contemporaneously, allocating resources within the base station subsystem needed to grant access to a Mobile Station (an Access Terminal 20 (AT) that can send a connection request message to the Access Network (AN), which in turn allocates radio resources (e.g., a physical traffic channel) to the AT (step 250) for use in sending/receiving data packets to/from the packet switched data network (step 260), figures 1-1, paragraph [0027].)" (March 17, 2009 Office Action, Page 2, Line 18 to Page 3, Line 2). For the reasons that are set forth below, the Applicants respectfully traverse the Office Action's characterization of the disclosures within the Peng reference.

Figure 2 of the Peng reference (and the accompanying text) clearly show that the allocation of radio resources (step 250) is carried out after a call initiation request has been processed. The Peng reference states that "As shown in FIG. 2, to initiate a data session, an AT sends a Unicast Access Terminal Identifier (UATI) request to the AN (step 200). * * * Upon receipt of the UATI, the AT engages in a session protocol negotiation process with the serving AN (step 210)." (Peng, Page 2, Column 2, Paragraph [0025]).

The Peng reference also states that "After session configuration, the AT initiates Point-to-Point Protocol (PPP) and Link Control Protocol (LCP) negotiations for access authentication (step

220).” (Peng, Page 2, Column 2, Paragraph [0026].) (Emphasis added). Thus, the authentication process occurs after the session configuration has been negotiated. The Peng reference also states that “After authentication, the PCF initiates the setup of an A10 connection with the PDSN (step 230).” (Peng, Page 2, Column 2, Paragraph [0027].) (Emphasis added). The setup of an A10 connection occurs after authentication has been accomplished.

In the Peng method, only after the call initiation request has been processed (i.e., session protocol negotiation, authentication negotiation, etc.) does the allocation of radio resources take place (step 250). “[T]he AT can send a connection request message to the AN, which in turn allocates radio resources . . .” (Peng, Page 2, Column 2, Paragraph [0027], Lines 6-8). Since there is no allocation of radio resources in the Peng method until after a call initiation request has been processed, the method does not contemporaneously allocate resources while a call initiation process is being performed. Therefore, Claim 1 (and Claims 2-16 that depend from Claim 1) are not anticipated by the Peng reference.

Claim 17 is directed to a method of operating a base station subsystem in which the method comprises the steps of allocating radio frequency resources and contemporaneously allocating packet session resources. The Peng reference does not disclose contemporaneously allocating radio frequency resources and allocating packet session resources. For Claim 17, the Applicants herein repeat and incorporate by reference the comments and arguments that have previously been made concerning the Peng reference in connection with the anticipation rejections of Claims 1-16. The Applicants respectfully submit that Claim 17 (and Claims 18-19 that depend from Claim 17) are not anticipated by the Peng reference.

Claim 20 has been amended to claim a method of operating a wireless network that comprises establishing an A10 interface; allocating Packet Control Function resources for a packet data session in response to establishing the A10 interface; and contemporaneously connecting the PCF resources for the packet data session in response to allocating the PCF resources. The Peng reference does not disclose contemporaneously allocating Packet Control Function resources and connecting the PCF resources. For Claim 20 the Applicants herein repeat

and incorporate by reference the comments and arguments that have previously been made concerning the Peng reference in connection with the anticipation rejections of Claims 1-19. The Applicants respectfully submit that Claim 20 (and Claims 21-22 that depend from Claim 20) are not anticipated by the Peng reference.

Claim 23 has been amended to claim a method of operating a wireless network that comprises establishing an A10 interface; contemporaneously allocating and connecting Packet Control Function resources for a packet data session; performing a channel assignment process; and initiating a service connection request in response to establishing the A10 interface and in response to performing the channel assignment process. The Peng reference does not disclose contemporaneously allocating and connecting Packet Control Function resources. For Claim 23 the Applicants herein repeat and incorporate by reference the comments and arguments that have previously been made concerning the Peng reference in connection with the anticipation rejections of Claims 1-22. The Applicants respectfully submit that Claim 23 (and Claims 24-26 that depend from Claim 23) are not anticipated by the Peng reference.

Accordingly, the Applicants respectfully request that the Examiner withdraw the § 102(a) anticipation rejections of Claims 1-26, as amended, and pass Claims 1-26 to allowance.

III. CONCLUSION

As a result of the foregoing, the Applicants respectfully assert that the claims in the present patent application are in condition for allowance, and respectfully request an early allowance of the claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Nortel Networks Deposit Account No. 14-1315.

Respectfully submitted,

MUNCK CARTER, LLP

Date:

July 17, 2009

A handwritten signature in cursive script, reading "Robert D. McCutcheon", written over a horizontal line.

Robert D. McCutcheon

Registration No. 38,717

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *rmccutcheon@munckcarter.com*